

Minutes of Special and Regular Meeting of June 14, 2011  
One Twin Pines Lane

**ADJOURN TO CLOSED SESSION – 6:30 P.M.**

- A. Conference with Labor Negotiator, Greg Scoles, pursuant to Government Code Section 54957.6: BPOA; MMCEA, AFSCME, Unrepresented Management

Attended by: Councilmembers Feierbach, Braunstein, Wozniak (arr. 6:45 p.m.), Lieberman, Warden, City Manager Scoles, Interim City Attorney Kane, Police Chief Mattei, Police Captain DeSmidt, Finance Director Fil, Human Resources Director Dino, Labor Consultant Diana Doughtie. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time being 7:40 P.M.

**Terri Cook  
Belmont City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING –  
CALL TO ORDER 7:48 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Deputy Finance Director Lazzari, Police Captain DeSmidt, Chief Building Official Nolfi, Associate Engineer Yau City Treasurer Violet, City Clerk Cook

**PLEDGE OF ALLEGIANCE**

Led by Mayor Feierbach

**REPORT FROM CLOSED SESSION**

Interim City Attorney Kane stated that direction was given but no action taken during the Closed Session held previously.

**PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Judy King**, Belmont Park Boosters, announced the upcoming concert series and noted that several concerts were being sponsored by local corporations.

**Kathleen Beasley**, Belmont Library Manager, described the summer programs geared towards teens, including the summer reading program. She stated there would be a photo contest.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Lieberman thanked the new Belmont representative to the Mosquito and Vector Control District for forwarding information to the City Council.

### **AGENDA AMENDMENTS**

Councilmember Warden stated that the minutes of May 31, 2011 indicated both his presence and his absence at the closed session. City Clerk Cook noted that she would make this change, and the approval of the minutes would reflect the modification.

Councilmember Braunstein requested the removal of Consent Item 4-E (Resolution Authorizing the Third Amendment to Agreement for Animal Control Services and Shelter Services Between the Peninsula Humane Society & SPCA and the County of San Mateo) for separate consideration.

### **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of May 10, 2011, and Special Meeting (Commission Interviews) of May 17, 2011, Special and Regular Meeting of May 24, 2011, and Special Meetings of May 31, 2011 (as amended)

**Motion to** Receive Monthly Financial Reports

**Approval of** Resolution 10372 Authorizing the Renewal of Lease with Notre Dame de Namur University for the Water Dog Lake Open Space Area

**Approval of** Resolution 10373 Requesting the Board of Supervisors of the County of San Mateo to Render Specified Services to the City Relating to the Conduct of a regular Municipal Election to be Held on Tuesday, November 8, 2011

**Approval of** Resolution 10374 Approving the Purchase of an In-Pavement Lighting System at Ralston Avenue and Elmer Street for an Amount not to Exceed \$25,000

**Approval of** Resolution 10375 Authorizing Continued Participation in the City/County Association of Governments of San Mateo County (C/CAG) and Approval of the Joint Powers Agreement

**Approval of** Resolution 10376 Authorizing a Professional Services Agreement Amendment #2 with Turbo Data Systems for Parking Citation Processing and Adjudication Services

**Approval of** Resolution 10377 Approving Specifications and Authorizing the Purchase of a Tow-Behind Asphalt Paver from Layton Manufacturing Company, a Sole Source Manufacturer, or an Authorized Representative for an Amount not to Exceed \$46,000

**Approval of** Resolution 10378 Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Olympian Oil Company for an Amount not to Exceed \$25,000

**Approval of** Resolution 10379 Authorizing a Professional Services Agreement with IEDA Inc. for Labor Relations Consulting in an amount not exceed \$6,500

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Warden, the Consent Agenda was unanimously approved as amended by a show of hands.

Formatted: Font color: Red

### **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Resolution Authorizing the Third Amendment to Agreement for Animal Control Services and Shelter Services Between the Peninsula Humane Society & SPCA and the County of San Mateo**

Councilmember Braunstein expressed concern regarding the structure of the agreement, and he noted that if the City of Belmont does not agree to the contract, it will hold up the entire County.

Police Chief Mattei stated that there have been issues with field services, and the new contract proposes to add meetings to address these issues. He acknowledged that other contractual issues need to be addressed in subsequent years. He commented that the proposed increase in fees is within the average, and is based on calls for services. He clarified that this is a sole-source vendor, and the contract needs to be approved.

Councilmember Lieberman suggested adopting the contract and engaging the County of San Mateo in discussions for future contractual improvements.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Warden, Resolution 10380 Authorizing the Third Amendment to Agreement for Animal Control Services and Shelter Services Between the Peninsula Humane Society & SPCA and the County of San Mateo was unanimously approved by a show of hands.

**HEARINGS**

**Public Hearing to Consider Resolutions Approving the Countywide and City of Belmont National Pollutant Discharge Elimination System (NPDES) Charges, and a Public Hearing to Consider an Ordinance Amending Article VI of Section 21 of the Belmont Municipal Code Regarding Discharges to the City's Storm Sewer System (items considered together)**

Associate Engineer Yau stated that since three of the Public Hearing items this evening were directly related to each, he would address them together in one report. He explained that the National Pollutant Discharge Elimination System (NPDES) permit was initiated in 1999, and has been reauthorized each year since then. He also explained that in 2009, the Municipal Regional Permit (MRP) program was initiated, which is more restrictive and provides for more protection. He described the MRP permit process and comparisons from the original permitting system. He noted that the County and City fees have not changed in many years, and would be subject to the Proposition 218 process should there be a desire to increase the fee.

Associate Engineer Yau described the County and City of Belmont's NPDES program and activities that are financed with these fees. He clarified that no increase is being considered at this time. He noted that the MRP program is not specifically called out in the existing ordinance outlining how discharges into the City's storm sewer system are managed, and the proposed ordinance will codify this program.

Co-Interim Public Works Director Gervais explained that representatives from the County of San Mateo made presentations regarding the NPDES and MRP programs to the City Council in previous years.

**Public Hearing to Consider an Ordinance Amending Article IX of Section 7 of the Belmont Municipal Code Regarding Duties and Responsibilities of the Floodplain Administrator**

Associate Engineer Yau stated that the FEMA (Federal Emergency Management Authority) ordinance was last revised in 2001. He described the flood plain area within the City of Belmont, and noted that 57 properties located within this flood plain are required to have flood insurance. He explained that there are deficiencies in the description of the duties and responsibilities of the floodplain administrator within the existing ordinance, and that the proposed ordinance intends to correct the deficiency.

City Clerk Cook recommended taking separate action on each of the Hearings and the required actions associated with each.

**Public Hearing to Consider a Resolution Approving Collection of Basic and Additional Charges by the San Mateo County Flood Control District to Fund the FY 2012 Countywide National Pollutant Discharge Elimination System (NPDES) General Program and Election to have Charges Collected on the Tax Roll**

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** Councilmember Wozniak made a motion, seconded by Councilmember Warden, to approve a Resolution Approving Collection of Basic and Additional Charges by the San Mateo County Flood Control District to Fund the FY 2012 Countywide National Pollutant Discharge Elimination System (NPDES) General Program and Election to have Charges Collected on the Tax Roll.

Councilmember Braunstein noted that there is an option to implement this charge in subsequent years without the need for a Public Hearing each year. He clarified that the Proposition 218 process would be required if there was a need to increase the annual fee.

Councilmember Wozniak stated that the storm drain program is important.

Councilmember Lieberman stated that the annual hearing process is helpful during times when the makeup of the Council changes following an election.

**ACTION:** On the previous motion, Resolution 10381 Approving Collection of Basic and Additional Charges by the San Mateo County Flood Control District to Fund the FY 2012 Countywide National Pollutant Discharge Elimination System (NPDES) General Program and Election to have Charges Collected on the Tax Roll was unanimously approved by a show of hands.

**Public Hearing to Consider a Resolution Approving the City of Belmont FY 2012 National Pollutant Discharge Elimination System (NPDES) Charges and Election to have Charges Collected on the Tax Roll**

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On the a motion by Councilmember Lieberman, seconded by Councilmember Wozniak, Resolution 10382 Approving the City of Belmont FY 2012 National Pollutant Discharge Elimination System (NPDES) Charges and Election to have Charges Collected on the Tax Roll was unanimously approved by a show of hands.

**Public Hearing to Consider an Ordinance Amending Article VI of Section 21 of the Belmont Municipal Code Regarding Discharges to the City's Storm Sewer System**

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On the a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, and unanimously approved by a show of hands to introduce an Ordinance Amending Article VI of Section 21 of the Belmont Municipal Code Regarding Discharges to the City's Storm Sewer System, to waive further reading, and to set the second reading and adoption for June 28, 2011.

**Public Hearing to Consider an Ordinance Amending Article IX of Section 7 of the Belmont Municipal Code Regarding Duties and Responsibilities of the Floodplain Administrator**

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On the a motion by Councilmember Braunstein, seconded by Councilmember Warden, and unanimously approved by a show of hands to introduce an Ordinance Amending Article IX of Section 7 of the Belmont Municipal Code Regarding Duties and Responsibilities of the Floodplain Administrator, to waive further reading, and to set the second reading and adoption for June 28, 2011.

***Reconvene Belmont Fire Protection District and Redevelopment Meetings to consider Budget.***

**Public Hearing to Consider Proposed Budget for Fiscal Year 2012**

Finance Director Fil stated that cities are required to adopt a budget by June 30<sup>th</sup> each year. He noted that the actions required of the City Council will set a ceiling on expenditures, approve a staffing

plan and a master revenue schedule, and set the Gann Limit. He noted that one of the additional actions includes the transmittal of the annual special tax for the Belmont Library.

Deputy Finance Director Lazzari outlined the budget review undertaken by the City Council, and noted that the Finance Commission also reviewed the budget and unanimously recommended adoption. She explained that the proposed budget assumes ongoing furloughs. She outlined the actions to be taken and noted that one new resolution this year includes GASB 54 (Government Accounting Standards Board) that will improve financial reporting by providing fund balance classifications that will be more easily understood regarding special funds.

Finance Director Fil clarified that the provisions of GASB 54 are inconsistent with City policy, but if the action is not taken, excess revenues in special funds would roll over to the General Fund.

Mayor Feierbach opened the Public Hearing.

Councilmember Wozniak expressed concern regarding the fee for conditional use permits, and noted that Notre Dame de Namur's Koret Field project had a very low fee associated with it. She suggested charging the maximum and having the applicant request a refund.

City Manager Scoles clarified that staff has the latitude to charge additional fees if a project is deemed to be complex.

In response to Councilmember Wozniak, Parks and Recreation Director Gervais explained the levels of support of various recreation programs. He noted that the intent is for full cost recovery of adult sport programs, with support going towards senior and children's programs. He clarified that some programs need to compete with private industry, and staff needs the flexibility to adjust fees accordingly.

Councilmember Lieberman recommended a future review of facility rental fees. He noted there may be an opportunity to increase fees during higher demand times, or to create seasonal rates. He clarified that any adjustment in rates is a matter of Council policy.

Mayor Feierbach stated that the Manor Building could potentially be rented out for events. She stated that more policy discussion regarding the budget and fees is needed.

Councilmember Wozniak expressed a desire that the budget for the city attorney include support services. Finance Director Fil noted that the budget contemplates some shared services. City Manager Scoles stated that this issue will be reevaluated as it moves forward. He noted that the Police Department and the new fire department will be doing the same.

Interim City Attorney Kane described the City of Burlingame's model for in-house attorney services, and noted that litigation is outsourced. She explained that this cuts down on administrative overhead but creates less work in-house. She noted that the new city attorney and the City Manager and City Council can work out the details.

Mayor Feierbach concurred regarding the issue with the fee for conditional use permits. She stated that there was much staff work expended on the Koret Field issue, and there is a need to monitor future projects and charge the applicant accordingly.

Finance Director Fil stated that this is already authorized in the Master Revenue Schedule, and that complex projects can be charged on a per-hour basis rather than a flat fee.

Discussion ensued.

Councilmember Braunstein expressed support for a future policy direction on fees and other budget matters. He noted that the Recreation Fund needs more scrutiny. In response to his questions regarding the City-run preschool, Parks and Recreation Director Gervais explained that the program is at the maximum number of students, rates were increased, and there is a 10 percent rate differential between residents and nonresidents.

Councilmember Lieberman clarified that this issue is not just about increasing fees, but it may be an opportunity to create a demand-based fee structure.

Parks and Recreation Director Gervais expressed the need to attract people to the recreation services provided by the City.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, Resolution 10383 Adopting The Proposed FY 2012 Base Budget Revenue, Appropriations, Capital Improvement Program Budgets and Permanent Staffing Plan for the City of Belmont was approved by a show of hands (4-1, Warden no).

Councilmember Warden stated that he disagreed with some components of the Budget.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, Resolution 10384 Approving the 2011 Appropriations Limit was unanimously approved by a show of hands.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Warden, Resolution 10385 Approving the 2011 Master Revenue Schedule was unanimously approved by a show of hands.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Lieberman, Resolution 10386 Establishing the Annual Special Tax for Belmont Library was unanimously approved by a show of hands.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, Resolution 10387 Classifying the Various Components of Fund Balance As Defined In Governmental Accounting Standards Board Statement No. 54 (GASB 45) was unanimously approved by a show of hands.

**Adjourn RDA and BFPD Meetings**

**RECESS: 9:15 P.M.**  
**RECONVENE: 9:30 P.M.**

**OLD BUSINESS**

**Consideration of Conceptual Design Options for the Davey Glen Park Project**

Parks and Recreation Director Gervais stated that the number of parks in the Central Neighborhood falls below the State standard for parks. He explained that the proposed park would fulfill the development agreement for the adjacent Ross Woods project, as well as the City's Parks and Open Space Master Plan. He reviewed the public process that has been performed to date for the proposed park, which has added value to the project.

Parks and Recreation Director Gervais described the schematic design, and noted that the goal is to achieve both an active and a quiet, passive space. He explained that the fully-developed park design exceeds the available budget, and components could be eliminated to reduce cost. He outlined the costs associated with each option. He noted that the City could choose to build a park with the available monies, or seek additional funds which could come from in-kind donations, grants, or fundraising.

Parks and Recreation Director Gervais stated that Option 2 is the preferred option for the park. He noted that the Planning Commission provided feedback, and is in support of the project, and that the Parks and Recreation Commission was split in its recommendation between Option 2 and Option 3.

In response to Council questions Parks and Recreation Director Gervais explained that the play area would need to be fenced for safety reasons. He clarified that the park development could be phased, but he noted that stopping and starting a project increases costs and may not be realistic.

Councilmember Warden expressed support for fundraising to bridge the gap, but suggested a deadline.

Councilmember Lieberman expressed support for all the design options. He questioned the need for restroom facilities for a fully developed park. Parks and Recreation Director Gervais explained that sewer infrastructure would be needed to accommodate restrooms. He clarified that this is a neighborhood park, not a destination park.

Councilmember Lieberman suggested providing different experiences for all ages, such as a basketball court.



Councilmember Wozniak stated she would not support the inclusion of a basketball court. She suggested that there may not be a need for any active component in the park.

Councilmember Warden stated that the neighbors previously expressed concern regarding the intensity of the park development, and a basketball court is not likely to be supported due to noise. He expressed support for the design as proposed.

In response to Councilmember Braunstein, Parks and Recreation Director Gervais stated that there is no current plan for fundraising. He also clarified that maintenance and watering can be managed. He stated that turf was discussed for this site but there was concern regarding the heat it generates.

Councilmember Lieberman explained that he was not advocating for a basketball court. He noted that this park site almost did not happen and the initial interest was only in a passive park. He explained that he initiated an outreach plan to ensure that the park met the needs and desires of the neighborhood.

Mayor Feierbach clarified that David Long, President of the Central Neighborhood Association, was the one who initiated the outreach process.

Councilmember Warden clarified that the results of the survey were split three ways between no park, a passive park, and an active park.

**Michelle Ladcani**, Belmont resident, expressed support for the park and offered to help with fundraising. She said that the neighborhood has waited for 40 years for a park, it can wait one more year. She expressed support for seeking grants, and noted that local businesses would likely support the park financially. She noted that she did not receive the survey.

**Susan Wright**, Parks and Recreation Commissioner/Ad Hoc Committee member, expressed her commitment to help with fundraising. She stated there is much enthusiasm for the park, and she suggested it be built right. She noted that the Ad Hoc Committee created a park to accommodate for all interests, and explained that a buffer to the adjoining neighbors is created with the fully-developed park option.

**Paul O'Leary**, Belmont resident, expressed support for the inclusion of a play structure and grassy area for the proposed park. He commented that parks provide a sense of community. He noted that the park site was free, unlike Semeria Park. He commented that monies have been spent on other city projects such as the Emmett House and Manor Building restorations.

**Kevin Sullivan**, Parks and Recreation Commissioner, stated he is proud of the Parks and Recreation Commission's desire to make this a community process. He expressed the need to serve a large community, and expressed support for Option 2. He suggested seeking ways on how to get the money needed to build the park.

Councilmember Lieberman expressed support for Option 2, and suggested continuing to seek community input.

Councilmember Braunstein stated that Belmont does things well, and can do well on this park. He stated it meets the needs of all, and noted the enthusiasm for the park. He also expressed support for Option 2 and fundraising efforts.

Councilmember Wozniak expressed support for waiting on the park development in order to seek fundraising and grant opportunities. She supports Option 2 but would support Option 1 if funds become available. She noted that she changed her mind on the park design over time.

Councilmember Warden stated that there is a need to ensure that the neighborhood is aware of the design. He noted that fundraising is likely to be successful with a good design. He also supports Option 2.

Mayor Feierbach expressed support for Option 2, and would support Option 1 if the money can be raised.

**COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL  
ASSIGNMENT UPDATES, AND STAFF ITEMS**

**Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee  
Assignments**

There were no reports.

**Verbal Report from City Manager**

City Manager Scoles announced that a special closed session for the Belmont Fire Protection District will be scheduled on July 21, 2011. He noted that he and Councilmember Braunstein attended a recent Senior Lunch.

**ADJOURNMENT** at this time, being 10:25 P.M.

**TERRI COOK  
Belmont City Clerk**

Meeting Tape Recorded and Videotaped  
Audio Recording 791